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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,780	02/06/2002	Philip Weisberg	030-0005	4540

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EXAMINER

BARTLEY, KENNETH

ART UNIT PAPER NUMBER

3693

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/066,780	<b>Applicant(s)</b> WEISBERG, PHILIP	
	<b>Examiner</b> Kenneth L. Bartley	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/06/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 to 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 to 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/06/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-36 have been examined.

#### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the citizenship of each inventor.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 31 to 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. First, second, third, and fourth display regions are created by the user without an explanation as to how this is accomplished.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 31 to 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The display regions are considered non-functional descriptive material. It is unclear how the display regions are created. For purposes of the examination, however, it is assumed that the display regions are generated by program code, which is stored on a computer-readable media. See MPEP § 2106 IV.B.1 (b).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 1, 3, 4, 6-10, 12-19, 23-32 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,347,307 to Sandhu, et al., in view of U.S. Patent 6,064,975 to Moon, et al..
10. Regarding applicant Claims 1, 7-10, and 15-17, Sandhu, et al., provides for:
  - a. A means to “automatically calendar key dates regarding settlement, payments, cash flows and other details related to their financial derivative transactions and portfolios” (column 4, lines 43 to 47);
  - b. A news and research server (Fig. 1, 210) that captures real-time market data and news services (column 4, lines 51 to 53);
  - c. A calendar server (Fig. 1, 200) that provides a graphic user interface with the ability to automatically calendar key dates regarding settlement, payments, cash flows and other details related to their portfolio (column 4, lines 43 to 47);
  - d. A “Payment Calendar” as part of trade details that has reference to business holidays (column 24, lines 45 to 46).

While Sandhu, et al., does not specifically mention holidays by geographical region or highlighting certain days, it would have been obvious to one of ordinary skill in the art at the time of invention to offer visibly distinct dates for settlement, market-related events, and holidays motivated by the fact that Moon, et al., discloses a method of highlighting holidays pertaining to a geographical location (column 8, lines 54 to 66).

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11. Regarding Claims 3 and 12, Sandhu, et al., specifies a transaction to consist of the type of transaction (e.g. Foreign Exchange Spot), an expiration date for the transaction, and a currency designation (column 6, lines 42 to 46).

12. Regarding Claims 4 and 13, Sandhu, et al., includes as types of transactions:

- a. Foreign exchange transaction (column 53, lines 20 to 22);
- b. Spot transaction (column 53, lines 18 to 19);
- c. Currency swap (column 53, lines 40 to 41);
- d. Forward rate agreement (column 53, lines 48 to 49);
- e. Derivatives trading (column 5, lines 43 to 49);
- f. Foreign exchange option (column 53, lines 38 to 39).

While Sandhu, et al. does not list futures contract, money-market or bond transactions, it would have been obvious to one of ordinary skill in the art at the time of invention to include these transactions.

13. Regarding Claims 6 and 14, Sandhu, et al., provides for a trade element to include both a “base currency” and a “quote currency” (column 11, lines 33 to 35 and 38 to 39).

14. Regarding Claim 18, Moon, et al., describes a method where the geographical location is selected by the user (column 5, lines 20 to 24).

15. Regarding Claim 19, while Moon, et al., does not describe determining a territory based on currency designation, it would have been obvious to one of ordinary skill in the art at the time of invention to map currency to a geographical location.

16. Regarding Claims 23 and 24, Sandhu, et al., provides:

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- a. A news and research server (Fig. 1, 210) that captures real-time market data and news services (column 4, lines 51 to 53);
- b. A reports server (Fig. 1, 180), with a graphic user interface, to enable users to monitor upcoming events and trade lists related to their portfolio (column 4, lines 36 to 40);
- c. A calendar server (Fig. 1, 200) that provides a graphic user interface with the ability to automatically calendar key dates regarding settlement, payments, cash flows and other details related to their portfolio (column 4, lines 43 to 47).

17. Even though Sandhu, et al., does not mention a separate storage area for holiday data sets, it would have been obvious to one of ordinary skill in the art at the time of invention to store holiday data, and that upcoming events could include holidays. Also, as described above, Moon, et al., provides the motivation for highlighting separately market-related and holiday related dates.

18. Regarding Claims 25 to 27, Sandhu, et al., provides for:

- a. A means of acquiring transaction terms using the Internet (Fig. 1, 10);
- b. A means for generating market-related events (Fig. 1, 200 and column 4, lines 43 to 53);
- c. A means for creating dates regarding settlement dates related to transactions (column 4, lines 43 to 47);
- d. A means for displaying a calendar, related to settlement dates (column 4, lines 43 to 47);

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- e. A means of accepting data transaction terms from a user (column 5, lines 43 to 49).

While Sandhu, et al., does not highlight separate categories of dates, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to distinguish other dates, such as market-related events and holidays, motivated by Moon, et al., which provides for highlighting holiday dates.

19. Regarding Claims 28 to 30, Sandhu, et al., provides a graphic user interface to display:

- a. Market-related events (column 4, lines 47 to 53);
- b. Settlement dates with a calendar (column 4, lines 43 to 47);
- c. A means of accepting transaction terms from a user (column 5, lines 43 to 49).

Moon, et al., provides a method of depicting a calendar graphic on a display screen of a computer (column 8, lines 61 to 62) and a method of depicting holidays in a manner to differ from other dates on the calendar (column 8, lines 66 to 67). It would have been obvious to one of ordinary skill in the art at the time of invention to be able to distinguish market related events and settlement dates.

20. Regarding Claims 31, 32, and 34 to 36, Sandhu, et al., provides a method using a web browser (Fig. 1, 30) to send and receive trading (Fig. 1, 150), calendar (Fig. 1, 200), reports related to portfolios (Fig. 1, 180), and market-related news (Fig. 1, 210) via a Web Server and the internet. It would have been obvious to one of ordinary skill in



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the art at the time of invention to segment the different groupings of information into separate display regions, such as for display of holidays.

21. Claims 2, 5, 11, 20-22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as combined in section 9, above, in further view of Briefing.Com's 2/21/1999 web site.

22. Regarding Claim 2 and 11, Briefing.Com provided a "Monthly Planner" and an "Events Calendar" that displayed market-related events, including: economic forecasts; economic reports; monetary policy announcements; trade information; and federal open market committee meetings. It would have been obvious to one of ordinary skill in the art at the time of invention the benefits of adding more events and news related items, such as national elections.

23. Regarding Claims 5 and 20, and the definition of territory, it would have been obvious to one of ordinary skill in the art at the time of invention that territory is a broad term that could include the world, a plurality of countries, a continent, a geographic region, a country, a state within a country, a country and a city motivated by Briefing.Com's "Monthly Planner" and "Events Calendar" which includes information categorized by locations including cities, district, states, and countries.

24. Regarding Claim 21, Briefing.Com's "Events Calendar" provides a set of national holidays for a city and different countries.

25. Regarding Claim 22, Briefing.Com provides market-related events in both monthly and current year format. Further, Moon, et al provides both a month and year

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format (Figs. 4 and 5 and column 5, lines 15 to 19). Therefore, while Briefing.com and Moon, et al., do not provide settlement dates, it would have been obvious to one of ordinary skill in the art at the time of invention to include settlement dates based on transaction dates for a one month and year time period.

26. Regarding Claim 33, where a twelve-month period follows the current month.

The "Events Calendar" in Briefing.Com excludes prior month data at a given date for the current year, therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a twelve month rolling calendar to add next years months that have been excluded in the current year.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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